

FILED BY S D.C.  
05 APR 22 PM 3:50  
ROBERT R. DI TROIO  
CLERK OF U.S. DIST. CT  
WD OF TN JACKSON

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION**

**MARQUINTAS D. WALKER,**

)

**Plaintiff,**

)

v.

)

**NO. 04-1176 T/An**

**PORTER CABLE / DELTA,**

)

**Defendant.**

)

**ORDER GRANTING MOTION TO AMEND**

Before the Court is Plaintiff's Motion to Amend Complaint filed on March 15, 2005. For the reasons set forth below, the Motion is **GRANTED**.

A pleading may be amended "only by leave of court . . . and leave shall be freely given when justice so requires." Fed. R. Civ. P. 15(a). "In deciding whether to allow an amendment, the court should consider the delay in filing, the lack of notice to the opposing party, bad faith by the moving party, repeated failure to cure deficiencies by previous amendments, undue prejudice to the opposing party, and futility of amendment." *Perkins v. Am. Elec. Power Fuel Supply, Inc.*, 246 F.3d 593, 605 (6th Cir. 2001).

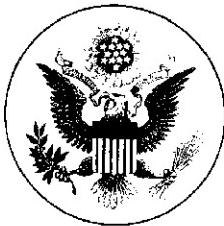
In this case Plaintiff took the deposition of various defense witnesses on March 23, 2005. After taking these depositions, Plaintiff determined that claims under the Tennessee Human Rights Act were appropriate; therefore, Plaintiff has petitioned the Court for permission to amend her Complaint to add claims of race and gender discrimination/retaliation under the Tennessee Human Rights Act.

After review, the Court determines that Plaintiff's proposed amendments have not been made in bad faith, will not cause undue prejudice to Defendant, and are not futile. As such, for good cause shown and because leave to amend should be freely granted, the Motion to Amend is **GRANTED**. Plaintiff shall file her Amended Complaint within 11 days of entry of this Order.

**IT IS SO ORDERED.**

  
S. Thomas Anderson  
S. THOMAS ANDERSON  
UNITED STATES MAGISTRATE JUDGE

Date: April 22, 2005



# Notice of Distribution

This notice confirms a copy of the document docketed as number 11 in case 1:04-CV-01176 was distributed by fax, mail, or direct printing on April 25, 2005 to the parties listed.

---

W. Stephen Gardner  
YOUNG & PERL, P.C.  
One Commerce Square  
Ste. 2380  
Memphis, TN 38103

Justin Gilbert  
THE GILBERT LAW FIRM  
2021 Greystone Park  
Jackson, TN 38308

Michael L. Russell  
THE GILBERT LAW FIRM  
2021 Greystone Park  
Jackson, TN 38308

Honorable James Todd  
US DISTRICT COURT